

**ORIGINAL**

MARK J. BENNETT #2672  
 ATTORNEY GENERAL OF HAWAII

LISA M. GINOZA #5154  
 FIRST DEPUTY ATTORNEY GENERAL  
 KATHLEEN HO #3424  
 DEPUTY ATTORNEY GENERAL  
 Department of the Attorney  
 General, State of Hawai'i  
 425 Queen Street  
 Honolulu, Hawai'i 96813  
 Telephone: (808) 586-1500  
 Facsimile No.: (808) 586-1239  
 Email: [lisa.m.ginoza@hawaii.gov](mailto:lisa.m.ginoza@hawaii.gov)  
[kathleen.s.ho@hawaii.gov](mailto:kathleen.s.ho@hawaii.gov)

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

MAY 26 2006  
 at 11 o'clock and 45 min.  
 SUE BEITIA, CLERK

Attorney for Department of Health,  
 State of Hawai'i

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CIVIL NO. 06-00140 SPK BMK  
 and DEPARTMENT OF HEALTH, )  
 STATE OF HAWAII, ) PLAINTIFF DEPARTMENT OF  
 ) HEALTH, STATE OF HAWAII'S  
 Plaintiffs, ) JOINDER IN PLAINTIFF UNITED  
 ) STATES OF AMERICA'S MOTION  
 ) TO ENTER CONSENT DECREE  
 ) AND PLAINTIFF'S JOINT  
 vs. ) [PROPOSED] ORDER APPROVING  
 ) ENTRY OF CONSENT DECREE  
 JAMES H. PFLUEGER; ) ) FILED MAY 26, 2006;  
 PFLUEGER PROPERTIES; and ) ) CERTIFICATE OF SERVICE  
 PILA'A 400 LLC, ) )  
 Defendants. ) DATE: June 16, 2006  
 ) TIME: 2:00 p.m.  
 ) JUDGE: Honorable Barry M. Kurren  
 )

**PLAINTIFF DEPARTMENT OF HEALTH, STATE OF HAWAII'S  
JOINDER IN PLAINTIFF UNITED STATES OF AMERICA'S MOTION TO  
ENTER CONSENT DECREE AND PLAINTIFF'S JOINT [PROPOSED] ORDER  
APPROVING ENTRY OF CONSENT DECREE FILED MAY 26, 2006**

Plaintiff Department of Health, State of Hawai'i ("DOH"), by and through its attorney, hereby joins in Plaintiff United States of America's Motion to Enter Consent Decree filed May 26, 2006 and specifically the Plaintiff's Joint [Proposed] Order Approving Entry of Consent Decree. This motion is based on Local Rule 7.9 of the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawai'i, May 26, 2006.

*Yu H. King*  
\_\_\_\_\_  
MARK J. BENNETT  
ATTORNEY GENERAL  
LISA M. GINOZA  
FIRST DEPUTY ATTORNEY GENERAL  
KATHLEEN S. HO  
DEPUTY ATTORNEY GENERAL

Attorneys for Department of Health,  
State of Hawai'i

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CIVIL NO. 06-00140 SPK BMK  
and DEPARTMENT OF HEALTH, )  
STATE OF HAWAII, ) CERTIFICATE OF SERVICE  
)  
Plaintiffs, )  
)  
vs. )  
)  
JAMES H. PFLUEGER; )  
PFLUEGER PROPERTIES; and )  
PILA'A 400 LLC, )  
)  
Defendants. )  
)

---

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served on this date, on the following parties via facsimile and by U.S. Mail, First Class postage prepaid addressed as follows:

SUE ELLEN WOOLDRIDGE, ESQ. FAX NO. (415) 744-6476  
Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530

DAVID B. GLAZER, ESQ. FAX NO. (415) 744-6476  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
301 Howard Street, Suite 1050  
San Francisco, California 94105

LAURIE KERMISH, ESQ.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, California 94105

FAX NO. (415) 744-6476

Attorney for Plaintiff United States of America

LANI D.H. NAKAZAWA, ESQ.  
County of Kauai  
4444 Rice Street, Suite 220  
Lihue, Hawai'i 96766

FAX NO. (808) 241-6319

Attorney for the County of Kauai

DAVID L. HENKIN, ESQ.  
Earthjustice  
223 South King Street  
Suite 400  
Honolulu, Hawai'i 96813

FAX NO. 521-6841

Attorney for Plaintiffs in Limu Coalition et al. v. James H. Pflueger, et al.  
Civil No. 02-00521 SPK/BMK

WESLEY H.H. CHING, ESQ.  
Fukunaga Matayoshi Hershey & Ching  
Davies Pacific Center  
Suite 1200  
841 Bishop Street  
Honolulu, Hawai'i 96813

FAX NO. 531-7585

Attorney for Defendants

NOEL WISE, ESQ.  
c/o Wesley H.H. Ching, Esq.  
Fukunaga Matayoshi Hershey & Ching  
Davies Pacific Center, Suite 1200  
841 Bishop Street  
Honolulu, Hawai'i 96813

FAX NO. 531-7585

Attorneys for Defendants

Dated: Honolulu, Hawai'i May 26, 2006.

*Bill Hines*  
\_\_\_\_\_  
MARK J. BENNETT  
ATTORNEY GENERAL  
LISA M. GINOZA  
FIRST DEPUTY ATTORNEY GENERAL  
KATHLEEN S. HO  
DEPUTY ATTORNEY GENERAL

Attorneys for Department of Health,  
State of Hawai'i